

#19
JP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: W. LINXWEILER et al.

Examiner: Y. D. PAK

Serial No.: 09/913,494

Group Art Unit: 1652

Filed: August 16, 2001

Title: GLUCOSE DEHYDROGENASE FUSION PROTEINS AND THEIR UTILIZATION IN EXPRESSION SYSTEMS

TECH CENTER 1600/2900

APR 23 2003

RECEIVED

REPLY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the office action dated March 26, 2003, applicants elect, with traverse, Group I (claims 1-3) drawn to a fusion protein comprising a glucose dehydrogenase.

It is respectfully submitted that the subject matter of the claims does have unity of invention (Groups I-IV relate to a fusion protein comprising a glucose dehydrogenase). For example, Groups III and IV are linked so as to form a single general inventive concept, use of the polypeptide of claim 1. Further, the polypeptides of Groups I, III and IV are disclosed as having common utilities, detection of a polypeptide which serves as a fusion partner. Furthermore, a search of the compounds of Groups I-IV would not represent a serious search burden for the patent office. Absent a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

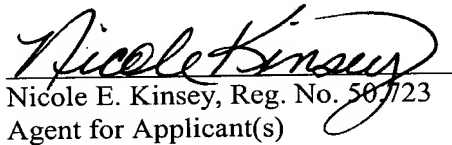
DOCKET NO: MERCK-2289
SERIAL NO: 09/913,494

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

 # 32,004

Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicant(s)


Nicole E. Kinsey, Reg. No. 50,723
Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Date: April 22, 2003